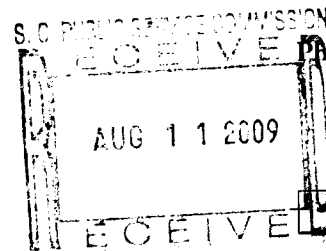


2009-341E

Complaint Form



Phone: 803-896-5100
Fax: 803-896-5199
www.psc.sc.gov

Print

Date: 8/9/2009

Complainant or Legal Representative Information: * Required Fields

Name * Mrs Mary Hester Williams [Carter]
Firm (if applicable)
Mailing Address * 305 California Street
City, State Zip * York, S.C. 29745 Phone *
E-mail *

Name of Utility Involved in Complaint: * Duke Energy

Type of Complaint (check appropriate box below.) *

- 1) ☒ Billing Error/Adjustments 3) ☒ Deposits and Credit Establishment 5) ☒ Wrong Rate 6) ☒ Refusal to Connect Service
2) ☒ Disconnection of Service 4) ☒ Payment Arrangements ☐ Water Quality 7) ☒ Line Extension Issue
☐ Service Issue ☐ Meter Issue
☒ Other (be specific) 2008 100-E

Have you contacted the Office of Regulatory Staff (ORS)? * ☒ Yes ☐ No Name of ORS Contact:

Concise Statement of Facts/Complaint: * (This section must be completed. Attach additional information to this page if necessary.)

1) I have been overcharged - see Federal Power Act, 16 U.S.C. 831, 15 U.S.C. 303, 305, 16 U.S.C. 835
2) Service has been illegally turned off. - See 16 U.S.C. 2625, 16 U.S.C. 835
3) All payments, including overcharges have been paid in full. See above, including Charlotte Observer statements by Duke for July 27+28, 2003, July 17th and 24th, 2003, and ER 96-110-000+004 with amendments regarding Federal Power Act issued to residents in the state of S.C. with uniformity in rates.
4) Payments have been made in full, and see 16 U.S.C. 2625, and G.S. 81A-26 (North Carolina) block.
5) See all the above, and all facts on file with FERC Order 888, for re rates.
6) In lieu of Duke's non-compliance of the above 1-5, my power remains off.
7) My residence is part of the utility interconnection system, as cities in S.C. who are receiving the Federal Power Act rates, 42 U.S.C. 2996, 1981, 1983, E.C.O.A., Civil Rights Act of 1964, Public Accommodations Act, Wilson Tariff Act, H.D. Act apply. U.S. Resident

Relief Requested: * (This section must be completed. Attach additional information to this page if necessary.)

Please authorize service of electricity reconnected to the above residence, and adjust rates that have been granted per Federal Power Act in S.C. Code of Laws 3-3-10 (attached), and the above, including applicable sections proffered.

STATE OF SOUTH CAROLINA)

COUNTY OF YORK)

VERIFICATION - P.S.C.
Rate Adjustments and Restoration of Power

I, Mrs Mary Hester Williams [Carter]

Verify that I have read my complaint filed on

8/9/09

Date *

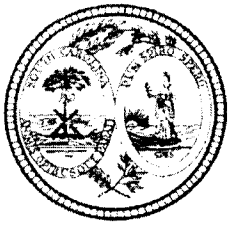
and know the contents thereof, and that said contents are true.

Mrs Mary Hester Williams

Complainant's Signature *

Internal Use Only

Processed By	Date
H.E.	



Charles L. A. Terreni
Chief Clerk/Administrator
Phone: (803) 896-5133
Fax: (803) 896-5246

The Public Service Commission State of South Carolina

COMMISSIONERS
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Docketing Department
Jocelyn G. Boyd, Deputy Clerk
Phone: (803) 896-5114
Fax: (803) 896-5231

July 31, 2009

Ms. Mary Hester Williams
305 California Street
York, SC 29745

Dear Ms. Williams:

This is to acknowledge receipt of your correspondence received in our office on July 30, 2009. I am returning your correspondence to you for the following reason:

In March 2004, the General Assembly enacted legislation which created the Office of Regulatory Staff. As a result of that legislation, effective January of 2005, the Public Service Commission took on a quasi-judicial role and the Office of Regulatory Staff assumed the responsibility of investigating all consumer complaints.

In an attempt to informally resolve your complaint, please send the Office of Regulatory Staff a copy of your complaint. Their address is 1401 Main Street, Suite 900, Columbia, SC 29201.

If attempts to resolve the complaint with the Office of Regulatory Staff are unsuccessful and you wish to file a formal complaint with the Commission, the Commission's complaint form can be found on our website at www.psc.sc.gov/consumer/info.asp.

For your convenience, I have enclosed a copy of the Commission's Complaint Form Instructions and Procedure and a copy of the Complaint Form.

Very truly yours,

Tricia O. DeSanty
Administrative Coordinator I

Enclosures:

C. DUKES SCOTT
EXECUTIVE DIRECTOR

1401 Main Street, Suite 900
Columbia, SC 29201



DAN E. ARNETT
CHIEF OF STAFF

Phone: (803) 737-5230
Fax: (803) 737-4750

APRIL B. SHARPE
MANAGER OF CONSUMER SERVICES

July 29, 2009

Ms. Mary Hester Williams
305 California Street
York, S.C. 29745

In Re: File 09-E-2019

Dear Ms. Williams:

This letter is in regard to your complaint against Duke Energy filed via telephone with the Office of Regulatory.

In your complaint you stated that you had made a \$200.00 payment to Duke Energy and it had not been posted. According to Duke Energy, there have been no payments made to your charged off account, since July 2008 when a \$25.00 payment was made. The balance on your charged off account is currently \$552.97.

If you have any questions, please contact me at 1-800-922-1531, extension 7-5194.

Sincerely,


Chad Campbell, Investigator
Consumer Services

8/10/09

The charge off account amount is listed in the payment section of my bill as an amount that had occurred via a mistake by Duke Power who had put two estimated fees along with the actual fees. Estimated fees are not collectibles, and should not have been posted. The terminologies charge off and write off are used when errors are made granting credit, refunds or payments to one's account. It is how adjustments are made, regardless of terminology. The check for \$200 that had been returned had been sent back unapplied, undeposited, and had been from P.H.I.H. to me, who had validated hundreds of others in the past and others for me, too. The \$25.00 payment had come from my account for the reconnect fee and had taken 4 months for me to have received credit to my account.

FUNDS TO SAVE ENERGY

3/20/2009

Two separate
articles.

RECEIVED

JUL 30 2009

PSC SC
DOCKETING DEPT.

U.S. territory: Puerto Rico — The island will receive \$86 million for energy-related projects as part of the federal stimulus plan. Nearly \$50 million will go toward energy-saving programs, and families of four or more who make less than \$44,000 a year will get up to \$6,500 per household.

The Associated Press

8/13/09

Get news updated 24 hours a day, 7 days a week. Visit us on the Web at usatoday.com

grant money free

Federal money will employ contractors and help to lower needy families' utility bills.

BY BRUCE HENDERSON

bhenderson@charlotteobserver.com

The front doorframe of Jacqueline King's north Charlotte home is split and pulling away from the wall, and the back door's rotted threshold leaves an inch-wide gap, plugged with towels to keep out water and bugs.

"This house," King said of her 11-year-old home. "It's just like it was thrown together."

Help arrived last week. A program to seal, insulate and improve energy efficiency in low-income households sent an inspector to assess King's house, and repairs will follow.

This month the program itself, run by state and local agencies, got a boost. Federal money to make N.C. homes energy-smart will more than double as the Obama administration tries to jolt the struggling economy back to life.

About \$266 million in economic stimulus money is expected to flow to North Carolina for energy-efficiency measures over the next three years, state officials say. The largest share, \$131 million, will go to the state's "weatherization" program that will help King.

Such programs typically lower heating bills by about a third, saving homeowners hundreds of dollars a year.

The federal cash is expected to roughly double the number of N.C. homes served, while also doubling the amount available for each home to \$6,500. That's enough to replace whole heating systems.

Under new guidelines, families that make up to 200 percent of the federal poverty level, or about \$44,000 a year for a family of four, will be eligible for help. That's up from 150 percent.

Even so, the need is likely to far outstrip the increased funding. About 728,000 N.C. families fall below the larger poverty threshold, census figures show.

SEE SAVVY, 38



Lamont Knotts prepares to test the energy efficiency of Jacqueline King's home.

HOME-ENERGY HELP

To apply for weatherization help, residents of Mecklenburg and Union counties should call Gaston Community Action's Charlotte office at 704-940-1752. Gaston residents should call 704-866-8721 and Stanly County residents 704-985-1928.

For more information or the list of local agencies, call the N.C. Office of Economic Opportunity at 919-715-5850.

Acct. #
on file

7/29/09
8/9/09

\$6500 grant free for each home served as needed

Heat.#

7/29/09

Title 3 - United States Government, Agreements and Relations With

CHAPTER 3.

SPECIFIC GRANTS OR CESSIONS OF JURISDICTION TO UNITED STATES

SECTION 3-3-10. Places ceded to the United States remain subject to concurrent jurisdiction.

In respect to the places within the boundaries of this State ceded by the State to the United States, the jurisdiction of this State is concurrent with that of the United States, according to the terms of cession in each case respectively.

9 U.S.C. 203 Jurisdiction amount in controversy
28 U.S.C. 406
1-13-70 EED Civil Rights Act (non-exclusion from services contract)

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Application of Duke Energy, Carolina, LLC,
for an Increase in Rates and Charges
and Charges Applicable to Its Rates
Service in North Carolina

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. E-7, SUB 909

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that on June 2, 2009, Duke Energy Carolina, LLC (Duke or Company), filed an application with the Commission requesting authority to adjust and increase its rates for retail electric service in North Carolina.

In this application, the Company is requesting authority to increase its rates and charges to produce additional overall North Carolina annual revenues of \$495,046,000, an increase of 12.6% over current revenues. Duke is also seeking approval for a return on equity of 12.3%; however, Duke has stated that its requested rates are calculated to produce only an 11.5% return on equity. Duke stated that it is seeking a lower return on equity due to the current economic climate and hardship its customers are facing. The Company serves approximately 1.8 million retail customers in North Carolina.

In support of the requested increase, Duke states that it will continue to face significant costs to comply with existing and anticipated federal and state environmental and other regulatory requirements and to upgrade and modernize substantial portions of its generation, transmission, and distribution systems, including construction work in quality in order to provide access to capital needed to make these substantial investments.

Below is a table with the proposed North Carolina retail revenue increase by customer class:

Customer Class (includes Nantahala Area)	Proposed Revenue Increase	Percentage Change
Residential	\$1,774,492,702	13.5%
General Service	678,176,800	11.2%
OP/Industrial	754,435,224	8.9%
Industrial (includes Nantahala Industrial)	636,459,257	15.5%
Lighting	131,721,185	16.7%
Overall	107,182,840	12.6%
	\$3,948,718,979	
	\$4,447,781,554	

The rate increases within classes would vary by rate schedule.

The Company requested that the proposed rates become effective on July 3, 2009; however, the Commission has issued an order suspending the Company's proposed rate changes for a period of up to 270 days from and after July 3, 2009.

EFFECT OF RATES

For existing residential customers, the proposed rates would change the average bill as follows:

Season	Existing (\$/month)	Proposed (\$/month)	Change (\$/month)	Change (%)
Winter	\$98.10	\$99.80	\$1.70	13.3%
Summer	\$98.55	\$99.80	\$1.25	12.7%

The bill amount shown under "Existing" includes the fuel cost adjustment proposed to be effective September 1, 2009. The increases shown above include a basic facilities charge increase from \$7.87 to \$10.00 for most residential customers. The basic facilities charge increases from \$15.75 to \$17.20 for most small general service customers and \$15.75 to \$22.72 for most large general service customers.

Commercial, industrial, and interruptible customers would experience increase and/or decrease in their monthly bills based upon their particular rate schedule and usage level.

The Commission will consider additional or alternative rate design proposals that were not in the Company's application and may order increases or decreases in individual rate schedules that differ from those proposed by the Company, but will not consider any increase in total revenues beyond that requested by the Company.

OTHER MATTERS

A list of present rates, together with details of the proposed adjustments in rates, can be obtained at the business offices of Duke or at the Office of the Chief Clerk of the Commission, 430 North Salisbury Street, Raleigh, North Carolina, where a copy of the application is available for review. These materials, as well as pleadings, depositions, and exhibits of other parties, hearing transcripts, briefs and proposed orders, may be viewed as they become available on the Commission's website at www.ncuc.net. Click on "Docket Search" and type in the docket and sub-docket numbers.

In addition, a detailed list that compares Duke's present and proposed rates is available on the Public Staff - Electric Division's website at the following web address: www.duke.com/commerce/state/nc/us/pelec/duke_bill_calculator. Upon written request, the Commission will provide copies of the application and pleadings in centrally-located public libraries if the name and location of the library is identified in the request.

The Commission has suspended the proposed rate changes and has scheduled the application for investigation and hearing. Persons desiring to present testimony for the record should appear at one of the public hearings. Persons desiring to send written statements to inform the Commission of their positions in the matter should address their comments to the North Carolina Utilities Commission, 4325 Mail Service Center, Raleigh, North Carolina 27699-4325, and reference Docket No. E-7, Sub 909. However, such statements cannot be considered competent evidence unless those persons appear at the hearing and testify concerning the information contained in their written statements.

Notice is given that the North Carolina Utilities Commission has set the hearings for the application for a general rate increase as follows:

Charlotte: Wednesday, September 9, 2009, at 6:00 p.m. at Charlotte-Mecklenburg Government Center, Chamber Conference Room (CH-14), 600 E. Fourth Street (enter through handicapped entrance)
Durham: Thursday, September 10, 2009, at 7:00 p.m. in the Durham City Hall, Council Chambers, 101 City Hall Plaza
High Point: Tuesday, September 15, 2009, at 7:00 p.m. in the High Point City Hall, Council Chambers, 211 S. Hamilton Street
Marion: Thursday, September 17, 2009, at 7:00 p.m. in the McDowell County Courthouse, Courtroom (Second Floor), Corner of Main and Court Streets
Franklin: Thursday, September 22, 2009, at 7:00 p.m. in the Macon County Courthouse, Courtroom A, 5 W. Street
Raleigh: Monday, October 19, 2009, at 1:00 p.m. in the Macon County Courthouse, Courtroom A, 5 W. Street

The hearings on September 9, 10, 11, 15, 17, and 22, 2009, will be for the purpose of receiving the testimony of public witnesses and cross-examination of witnesses for the Company, the Public Staff, and other intervenors.

Persons having an interest in the investigation and desiring to intervene in the matter as formal parties of record may file their motions to intervene not later than September 21, 2009, and in accordance with the Rules of the Commission. The Commission's Rules of Procedure are available on the Commission's website at www.ncuc.net. The Public Staff is authorized by statute to represent consumers in proceedings before the Commission. Written statements to the Public Staff should include any information that the writers wish to be considered by the Public Staff in its investigation of the matter. Such statements should be addressed to Mr. Robert P. Gruber, Executive Director, Public Staff, 4325 Mail Service Center, Raleigh, North Carolina 27699-4325.

The Attorney General is also authorized by statute to represent consumers in proceedings before the Commission. Statements to the Attorney General should be addressed to The Honorable Roy Cooper, Attorney General, 8001 Mail Service Center, Raleigh, North Carolina 27699-8001.

This is the 7th day of July, 2009.

Friday, July 17, 2009
Charlotte Observer article

Season consists of three months
at least at a rate of \$88.10
giving sum due of \$19.33 1/2 cents.

See at article of residential
rate \$7.87 to \$10.00; \$15.75 to \$17.20
per 1000 kWh. 4x U.S.C. 6795 gives annual
peak amounts.

Interconnections to S.C. allows customers
in N.C. to benefit from payments made
by customers serviced by Duke whether
in Va., S.C., Va., etc. Equal access and
uniformity in rates apply to all customers.
Federal Power Act 16 C.F.R. 305.9, 15 U.S.C.
§ 303 and 305, 16 U.S.C. § 2781, 16 U.S.C. § 839
and 840, 16 U.S.C. § 841, 16 U.S.C. § 842, 16 U.S.C. § 843, 16 U.S.C. § 844, 16 U.S.C. § 845, 16 U.S.C. § 846, 16 U.S.C. § 847, 16 U.S.C. § 848, 16 U.S.C. § 849, 16 U.S.C. § 850, 16 U.S.C. § 851, 16 U.S.C. § 852, 16 U.S.C. § 853, 16 U.S.C. § 854, 16 U.S.C. § 855, 16 U.S.C. § 856, 16 U.S.C. § 857, 16 U.S.C. § 858, 16 U.S.C. § 859, 16 U.S.C. § 860, 16 U.S.C. § 861, 16 U.S.C. § 862, 16 U.S.C. § 863, 16 U.S.C. § 864, 16 U.S.C. § 865, 16 U.S.C. § 866, 16 U.S.C. § 867, 16 U.S.C. § 868, 16 U.S.C. § 869, 16 U.S.C. § 870, 16 U.S.C. § 871, 16 U.S.C. § 872, 16 U.S.C. § 873, 16 U.S.C. § 874, 16 U.S.C. § 875, 16 U.S.C. § 876, 16 U.S.C. § 877, 16 U.S.C. § 878, 16 U.S.C. § 879, 16 U.S.C. § 880, 16 U.S.C. § 881, 16 U.S.C. § 882, 16 U.S.C. § 883, 16 U.S.C. § 884, 16 U.S.C. § 885, 16 U.S.C. § 886, 16 U.S.C. § 887, 16 U.S.C. § 888, 16 U.S.C. § 889, 16 U.S.C. § 890, 16 U.S.C. § 891, 16 U.S.C. § 892, 16 U.S.C. § 893, 16 U.S.C. § 894, 16 U.S.C. § 895, 16 U.S.C. § 896, 16 U.S.C. § 897, 16 U.S.C. § 898, 16 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General Rate/ins. Mary Hester Williams
 Charlotte Unservice
 ** Ad Residential rate basis used by me

204.23 → 12/2006 paid in full 12.91 → paid 06/2006

Season Rate - 88.10 Ad rate - Bill & mine is one month not three.

* # 116.13 → Overcharges paid in full
 Refund please.

Newspaper Duke Ad

Season Rate 88.10 Ad rate
 302.52 → 01/2006 paid in full

* 214.42 → Overcharges paid in full
 Refund please.

Season Rate 88.10
 234.68 → 02/2006 paid in full
 Refund please

* 146.58 → Overcharges paid in full
 Refund please.

Season Rate - 88.10
 287.34 → 03/2006 paid in full
 Refund please.

* 199.24 → Overcharges paid in full
 Refund please.

Season Rate - 88.10
 149.05 → paid 04/2006 in full

* 60.95 → Overcharges paid in full
 Refund please.

Season Rate 88.10
 92.64 → 05/2006 paid in full

* 4.54 → Overcharges paid in full
 Refund please.

RESIDENTIAL rate Dec 2006

204.23 paid
 Ad rate - 7.87 Residential - 1000 kWh
 due 1406

196.36
 - 7.87 Residential due 406

188.49
 - 7.87 Residential due 3.93 instead of 7.87

** 180.6 → Overcharges paid in full
 Refund please.

01/2006 1000 kWh 3574 kWh Sets off 3000 31.48

302.52 paid
 - 31.48 Residential 574 kWh 1000 kWh

** 271.04 Overcharges paid in full
 Refund please.

02/2006 1000 kWh 12796 = 387.87 = 38.79

234.68 paid
 - 23.61 Residential due for each 1000 kWh

** 211.07 Overcharges paid in full
 Refund please.

03/2006 1000 kWh 13400 = 3204 x 7.87 = 31.48

287.34 paid
 - 31.48 Residential due for each 1000 kWh

255.86 Overcharges paid in full
 Refund please.

04/2006 1000 kWh 11814 = 13404 x 7.87 = 15.74

149.05 paid
 - 15.74 Residential

133.31 Overcharges paid in full
 Refund please.

05/2006 1000 kWh 11167 = 11.17

92.64 paid
 - 7.87 Residential

84.77 Overcharges paid in full
 Refund please.



Account Summary Report for 1290632196

Federal Power Act

Account #

MARY HESTER WILLIAMS

DBA:

12/2005 Through 12/2007

305 CALIFORNIA ST YORK, SC 29745

EUC Code:

See Uniformity in Pricing

July 17 and July 24, 2009 Advertising -- July 27, 2003, too.

Rate Schedule: RS

Rate Class:

Contract KW: 0

Meter Number: 042015723

Bill Year Month	# Days	Electricity Usage	Electricity Usage Amount	Muni Fees	Late Payment Charge	Sales Tax	Total Dollars
2005/12	18	2,435	\$195.44	\$8.79	\$0.00	\$0.00	\$204.23
2006/01	31	3,574	\$289.49	\$13.03	\$2.25	\$0.00	\$302.52
2006/02	29	2,796	\$224.57	\$10.11	\$4.54	\$0.00	\$234.68
2006/03	32	3,400	\$274.97	\$12.37	\$8.13	\$0.00	\$287.34
2006/04	29	1,814	\$142.63	\$6.42	\$0.00	\$0.00	\$149.05
2006/05	29	1,167	\$88.65	\$3.99	\$8.77	\$0.00	\$92.64
2006/06	5	169	\$12.35	\$0.56	\$0.00	\$0.00	\$12.91
2006/07	0	0	\$0.00	\$0.00	\$16.96	\$0.00	\$0.00
	173	15,325	\$1,228.10	\$55.27	\$40.65	\$0.00	\$1,283.37

* Total Dollars may include charges not shown in grid

400/15-39 facilities shall not terminate

16 U.S.C. 2625 shall not terminate

G881A-23



Payment Summary Report for 1290632196

that M. Campbell has sent again, as for the bills have been all paid in full to Duke Energy

MARY HESTER WILLIAMS

Account #

DBA:

12/2005 Through 12/2007

305 CALIFORNIA ST YORK, SC 29745

EUC Code:

Payment Date	Payment Amount	Payment Type	Payment Source	Credit Justification
12/02/05	\$6.93	CASH PAYMENT	POWER PAY	
12/02/05	\$150.00	CASH PAYMENT	POWER PAY	
01/09/06	\$47.30	CASH PAYMENT	POWER PAY	
01/18/06	\$152.25	CASH PAYMENT	POWER PAY	
03/24/06	\$180.00	CASH PAYMENT	POWER PAY	
04/03/06	\$207.92	ADJUSTMENT	for estimated bill of double	ADJUSTMENT
04/21/06	\$224.57	CASH PAYMENT	POWER PAY	
05/31/06	\$150.00	DEPOSIT RELEASED		DEPOSIT RELEASED
08/30/06	\$577.97	CHARGE OFF	adjustment is part of charge off	CHARGE OFF
Total:	\$1,696.94			

All paid for the above. Mrs. Lewis

Total amount paid

Charge off is for California Street

and is part of double billing for the same month plus double billing for one other month estimated and actual

on 08/30/06 an amount of \$577.97 in the above Duke

Energy Payment summary report is shown as a charge off of their mistakes

12/12/07 Sent

11/13/2008

Non-termination — non cut off. See 26 U.S.C. 2625

Acct. #

§ 75-39. Conditioning services on electric service prohibited.

(a) No municipality or other provider of water or sewer services may offer, or agree to provide, extend, enhance, or accelerate the provision of water or sewer services, or facilities or other municipal services or facilities, to any person in consideration of that person or another person agreeing to receive electric service from the municipality or another electric supplier.

(b) No municipality or other provider of water or sewer services may refuse to provide, or threaten or act to deny, delay, or terminate the provision of, water or sewer services or facilities, or other municipal services or facilities, to any person as a result of, or in an attempt to influence, the choice of an electric supplier by that person or another person.

(c) A violation of this section by any municipality or other provider of water or sewer services shall constitute an unfair method of competition and an unfair act or practice under G.S. 75-1.1. (2005-150, s. 1.)

*any person
16 U.S.C. 2625
shall not terminate
services*

Federal Power Act

*J.C. Competitive Power Act (Retail Elec. Deliv.) H. 3414
direct access or customer choice*

58-28-160

7/29/2009

Act. #

7/29/09

Article 3.

Violations.

§ 81A-22. Misrepresentation of quantity.

No person shall sell, offer or expose for sale less than the quantity he represents. No buyer shall take more than the quantity he represents when he furnishes the weight or measure by means of which the quantity of any commodity, thing or service is determined. (1927, c. 261, s. 19; 1945, c. 280, s. 1; 1949, c. 984; 1975, c. 544.)

§ 81A-23. Misrepresentation of pricing.

No person shall misrepresent the price of any commodity or service sold, offered, exposed, or advertised for sale by weight, measure, or count, nor represent the price in any manner calculated or tending to mislead or in any way deceive a person. (1975, c. 544.)

§ 81A-24. Commodities to be sold by weight, measure or numerical count.

It shall be unlawful to sell, except for immediate consumption by the purchaser, on the premises of the seller, liquid commodities in any other manner than by weight or liquid measure, or commodities not liquid in any other manner than by measure of time, by length, by volume, by weight or by numerical count. When a commodity is sold by numerical count in excess of one unit, the units which constitute said numerical count shall be uniform in size and/or weight, and be so exposed as to be readily observed by the purchaser. (1945, c. 280, s. 1; 1949, c. 973; 1975, c. 544.)

§ 81A-25. Unlawful for package to mislead purchaser.

It shall be unlawful to keep for the purpose of sale, offer or expose for sale, or sell, any commodity in package form when said package is so made, or formed, or filled, or wrapped, or exposed, or marked, or labeled as to mislead or deceive the purchaser as to the quantity of its contents. (1945, c. 280, s. 1; 1975, c. 544.)

§ 81A-26. Sale from bulk.

(a) Whenever the quantity is determined by the seller, bulk sales in excess of twenty dollars (\$20.00) and all bulk deliveries of heating fuel shall be accompanied by a delivery ticket containing the following information:

- (1) The name and address of the vendor and the name of the purchaser,
- (2) The date delivered,
- (3) The quantity delivered and the quantity upon which the price is based, if this differs from the delivered quantity,
- (4) The identity of the commodity in the most descriptive terms commercially practicable, including any quality representation made in connection with the sale,
- (5) The count of individually wrapped packages, if more than one, and
- (6) For heating fuels which are liquids and gases, the price per gallon and any other charges associated with the delivery. This subdivision applies only to residential retail deliveries.

(b) Any invoice corresponding to the delivery ticket required under the preceding subsection (a) shall contain the information set forth in the preceding subdivisions (a)(1) through (6), and shall also state the amount of sales tax, if any, and the grand total. This subsection does

Power is off and compliance is needed.

not apply to any subsequent billing when the seller has previously complied with the requirements of subsections (a) and (b) of this section.

(c) Whenever a seller quotes a price or other terms and conditions to a potential purchaser under this section, if those terms and conditions include a low, introductory price, other reduced charges, or other special conditions not representative of the prices or terms and conditions that apply to existing customers of the same type or class, the seller shall clearly and conspicuously disclose: (i) those facts, (ii) the price and terms and conditions that would on that date apply to existing customers of the same type or class as the potential purchaser, and (iii) the amount of time that the introductory or unrepresentative price or terms and conditions will remain in effect. (1975, c. 544; 1991, c. 642, s. 1; 1997-456, s. 11.)

§ 81A-27. Information required on packages.

Except as otherwise provided in this Chapter or by regulations promulgated pursuant thereto, any package kept for the purpose of sale or offered or exposed for sale shall bear on the outside of the package a definite, plain, and conspicuous declaration of:

- (1) The identity of the commodity in the package, unless the same can easily be identified through the wrapper or container,
- (2) The quantity of contents in terms of weight, measure, or count, and
- (3) The name and place of business of the manufacturer, packer, or distributor, in the case of any package kept, offered, or exposed for sale, or sold in any place other than on the premises where packed. (1927, c. 261, s. 16; 1945, c. 280, s. 1; 1975, c. 544.)

§ 81A-28. Declarations of unit price on random packages.

In addition to the declarations required by G.S. 81A-27, any package being one of a lot containing random weights of the same commodity and bearing the total selling price of the package shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight at the time it is offered for retail sale. (1975, c. 544.)